

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10446 of 2017**

Arising Out of PS. Case No.-193 Year-2015 Thana- BIHTA District- Patna

=====

Lakshmi Kumari @ Laxmi Devi, Wife of Pintu Goswami @ Pintu Gosai, D/o Shri Ramesh Goswami, At present resident of Mohalla – Hariharpur Colony, P.S. - Digha, District – Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar  
2. Pintu Goswami @ Pintu Gosai, Son of Sri Naresh Goswami @ Naresh Gosai, Resident of Village + P.O. - Sakadi, P.S. - Koilwar, District – Ara (Bhojpur).

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Kamala Kant Tiwary  
For the Opposite Party/s : Mr.Sri Manish Kumar 2

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4      22-01-2020                      The present application has been filed for cancellation of bail of opposite party no. 2, who has been granted provisional bail for four months vide order dated 29.07.2016 passed in Cr. Misc. No. 23438 of 2016 in connection with Bihta P.S. Case No. 193 of 2015, arising out of Complaint Case No. 98C of 2015, registered for the offences punishable under Sections 406, 420, 376, 498A, 120B of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The accusation against opposite party no. 2 was of establishing physical relationship with the informant and thereafter got married with the informant, but subsequently, the petitioner performed second marriage. On conclusion of the



investigation, final report has been submitted under Sections 420, 498A, 494/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act. Considering the statement made on behalf of opposite party no. 2 in paragraph 3 of the supplementary affidavit to the effect that opposite party no. 2 is ready to keep the petitioner as his wife and daughter with full dignity and honour, the opposite party no. 2 was granted provisional bail for four months and the same was to be confirmed by the learned Court below on issue being reconciled between the parties.

It is submitted by learned counsel for the petitioner that the provisional bail of opposite party no. 2 has not been confirmed as yet.

However, the order dated 24.11.2016 passed in Bihta P.S. Case No. 193 of 2015 by learned ACJM, Danapur brought on record as Annexure-3 suggests that the petitioner's application for rejecting the bail of opposite party no. 2 has been rejected but the order suggests that the provisional bail has not been confirmed.

Considering the fact that the period of provisional bail got lapsed on 28.11.2016, the opposite party no. 2 is no longer on bail, this Court is not inclined to interfere. However, if the



opposite party no. 2 is not appearing, the learned Court below will pass appropriate order in the matter in accordance with law.

Accordingly, the present application for cancellation of bail is not maintainable and it is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

